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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,136	07/16/2003	Joseph L. Ioime	IOJ-0001	1968
7590	05/20/2005			EXAMINER
James J. Merrick Cantor Colburn LLP 55 Griffin Road South Bloomfield, CT 06002			HOESLY, RYAN C	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/621,136	IOIME, JOSEPH L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ryan C. Hoesly	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 February 2005.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-12 and 20-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-12 and 20-26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 February 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 1, 20, 25, and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's specification, as originally filed, does not disclose the ball retainer circular top and bottom cavities being in contact with the ball on "only an annular portion near each opposite polar regions."

This is a new matter rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 6-12, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Antczak et al (US 5934530) in view of Seaton et al (US 2661129). Antczak teaches a golf accessory organizer that includes a ball retainer (87), tee holders (5 and 7), a ball marker holder (3), and an attachment device (23). The golf tees are held at one outboard end. The ball marker is inserted in the top of a cavity and held in the cavity by the holder lip so that it is secured by friction fit. The attachment device has an attachment base springingly associated with the attachment member via

an attachment arm and could be used to clip the device to a user in a suitable location such as the waist band or pocket of pants. The tee holder, ball marker holder, and attachment device are all non-movably associated with the ball retainer. Antczak discloses that the entire device may be made of plastic (column 5, line 45). Although Antczak does not teach the type of ball retainer disclosed by the applicant, it is a plastic member that exposes the poles of a golf ball and retained in a round ball cavity.

Seaton teaches a golf ball holder that includes retainer members (20) that define cavities (22) and are separated by a ball cavity (G). The cavities are ring shaped and the only parts of the retainer that contact the ball. The ball is in contact with these cavities at annular portions near each polar region. Because of the this method, only small portions of the ball are in contact with the retainer, so the polar regions, equator, and regions surrounding the equator are all exposed. The retainer members are substantially parallel so that the ball is loaded and unloaded in a direction substantially parallel to the retainer top and bottom. Seaton discloses the properties of the claimed ball retainer except for the retainer members are shown on the sides rather than the top and bottom. It would have been obvious to one having ordinary skill in the art at the time the invention was made to orient the retainer members on the top and bottom, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

Antczak and Seaton disclose methods for retaining a golf ball that involve a plastic member that holds the ball circumferentially. It would have been obvious to one

skilled in the art at the time of invention to modify the ball retainer of Antczak as in the technology of Seaton in order to provide a more secure fit.

3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Antczak et al (US 5934530) in view of Seaton et al (US 2661129) as applied to claims 1, 3, 6-12, and 24-26 above, and further in view of Freer (US 6209911). Freer teaches a belt mounted golf accessory organizer with a similar structure and attributes of the Antczak device such as ball retainers (20), tee holders (28), ball marker holders (18), however, Freer expressly discloses two ball retainers. Antczak discloses an embodiment that can hold multiple balls, but that is for a different type of retainer. The attachment system of Antczak for the ball retainer is simple and there would be enough space at the bottom of the main plate for a second attachment for a ball retainer. Therefore, it would have been obvious to one skilled in the art at the time of invention to use a pair of ball retainers as in the technology of Freer in the Antczak device.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan C. Hoesly whose telephone number is (571)-272-6083. The examiner can normally be reached on Monday-Thursday 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (571) 272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JES F. PASCUA  
PRIMARY EXAMINER